

Natalie M. Cox

Honorable Natalie M. Cox
United States Bankruptcy Judge



Entered on Docket
May 24, 2023

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**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA**

In re:

MUSCLEPHARM CORPORATION,

Debtor.

Case No.: 22-14422-NMC

Chapter 11

Hearing Date: May 9, 2023

Hearing Time: 9:30 a.m. PT

ORDER SCHEDULING HEARING DATES AND SETTING RELATED DEADLINES

On May 9, 2023, at 9:30 a.m., the Court held a status conference in the above-captioned chapter 11 bankruptcy case of MusclePharm Corporation (the “**Debtor**”). Appearances were as noted on the record. Upon review of the *Notice of Agreed Plan Term Sheet* [ECF No. 478] (the “**Plan Term Sheet**”), filed on May 8, 2023, and after discussion with counsel present at the status conference, and for the reasons stated on the record, the Court hereby enters this Order setting the following deadlines and hearing dates:

A. Hearing on Bid Procedures and Related Deadlines.

1. Any motion filed by the Debtor seeking approval of bid, auction, or sale procedures in anticipation of or in conjunction with a motion(s) to sell property of the estate under 11 U.S.C. § 363(b)

1 (the “**Bidding Procedures Motion**”) shall be filed no later than **May 12, 2023**.

2 2. Any opposition to the Bidding Procedures Motion shall be filed no later than **May 22,**
3 **2023**.

4 3. Any replies to oppositions to the Bidding Procedures Motion shall be filed no later than
5 **May 23, 2023, at 5:00 p.m. PT**.

6 4. A hearing to consider the Bidding Procedures Motion shall be held on **May 25, 2023,**
7 **at 10:30 a.m. PT**.

8 5. The deadline to file and serve notice of the amount the Debtor believes is required to
9 cure any monetary default by the Debtor of each executory contract or unexpired lease the Debtors
10 may seek to assume and assign and, if applicable, compensates the contract counterparty for any actual
11 pecuniary loss to such party resulting from such default (the “**Cure Amount Notice**”), shall be **July**
12 **3, 2023**.

13 6. Any objections to the Cure Amount Notice shall be filed no later than **July 17, 2023**.

14 **B. Hearing on Adequacy of the Disclosure Statement and Plan Procedures.**

15 7. The Debtor, the Committee, and Empery Tax Efficient, LP (at its option) (the “**Plan**
16 **Proponents**”) shall file their proposed chapter 11 plan of reorganization (the “**Plan**”) and disclosure
17 statement to accompany the Plan (the “**Disclosure Statement**”), along with their motion to approve
18 the adequacy of the Disclosure Statement and establish solicitation, voting, and confirmation
19 procedures (the “**Plan Procedures Motion**”) no later than **May 26, 2023**.

20 8. Any objection to approval of the Disclosure Statement or opposition to the Plan
21 Procedures Motion (a “**Disclosure Statement Objection**”) shall be filed no later than **June 14, 2023**.

22 9. Any replies to Disclosure Statement Objections shall be filed by **June 19, 2023**.

23 10. The hearing to consider the adequacy of the Disclosure Statement and the Plan
24 Procedures Motion shall be held on **June 22, 2023, at 9:30 a.m. PT**.

25 **C. Solicitation, Voting, and Confirmation of Chapter 11 Plan of Reorganization.**

26 11. The Plan Proponents shall cause the distribution of solicitation materials regarding the
27 Plan (the “**Solicitation Packages**”) no later than **July 3, 2023**.

28 12. Any supplement(s) to the Plan (the “**Plan Supplement**”) shall be filed by the Plan

Proponents no later than **July 11, 2023**.

13. The deadline for casting a ballot to accept or reject the Plan (the “**Voting Deadline**”) shall be **July 18, 2023**.

14. Objections to confirmation of the Plan (a “**Plan Objection**”) shall be filed and served no later than **July 18, 2023**.

15. Any replies to Plan Objections shall be filed no later than **August 3, 2023**.

16. The hearing to consider confirmation of the Plan (the “**Confirmation Hearing**”) shall commence on **August 9, 2023, at 9:00 a.m. PT**.

17. The Confirmation Hearing may be continued from time to time by announcing such continuance in open court or otherwise, all without further notice to parties in interest.

18. The dates and deadlines set forth herein may be modified by further order of the Court.

19. Dates and deadlines not contained herein shall be governed by the applicable provisions of 11 U.S.C. §§ 101 *et seq.*, Federal Rules of Bankruptcy Procedure, Local Rules of Bankruptcy Practice of the United States Bankruptcy Court for the District of Nevada, and further orders of the Court.

20. This Court shall, and hereby does, retain jurisdiction with respect to all matters arising from or in relation to the implementation of this Order.

IT IS SO ORDERED.

Prepared and submitted by:

SCHWARTZ LAW, PLLC

By: /s/ Samuel A. Schwartz
Samuel A. Schwartz, Esq.
Gabrielle A. Hamm, Esq.
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Las Vegas, Nevada 89101
Attorneys for the Debtor

LR 9021 CERTIFICATION

In accordance with LR 9021, counsel submitting this document certifies that the order accurately reflects the court's ruling and that (check one):

☐ The court has waived the requirement set forth in LR 9021(b)(1).

☐ No party appeared at the hearing or filed an objection to the motion.

☒ I have delivered a copy of this proposed order to all counsel and any unrepresented parties who appeared at the hearing, except those as to whom review was waived on the record at the hearing, and each has approved or disapproved the order, or failed to respond, as indicated below:

Jason H. Rosell, Esq. & John D. Fiero, Esq.
Pachulski Stang Ziehl & Jones LLP
for Official Committee of Unsecured Creditors

Approved/Disapproved

Jeffrey D. Sternklar, Esq.
Jeffrey D. Sternklar LLC
for White Winston Select Asset Funds, LLC

No Response

Gregory E. Garman, Esq., William M. Noall, Esq. &
Teresa M. Pilatowicz, Esq.
Garman Turner Gordon LLP
for Empery Tax Efficient, LP

Approved/Disapproved

Michael P. Richman, Esq.
Steinhilber Swanson LLP &
Dawn M. Cica, Esq.
Carlyon Cica Chtd.
for Ryan Drexler

Approved/Disapproved

Ryan A. Andersen, Esq.
Andersen & Beede, LLC
for ThermoLife International

Approved/Disapproved

Shara L. Larson, Esq.
Ghandi Deeter Blackham Law Offices
for JW Nutritional LLC

Approved/Disapproved

Joseph G. Went, Esq.
Holland & Hart LLP
for MHF Opco, LLC and Brian Slater

No Response

Adrienne Becker
for CanSource LLC

No Response

☐ I certify that this is a case under Chapter 7 or 13, that I have served a copy of this order with the motion pursuant to LR 9014(g), and that no party has objected to the form or content of this order.

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